

May 29, 2003

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CUSACK.

1. RESOLVED, that the following items are hereby received and filed.

	Item	Page	-2003	(Comm. 7E-6)
a.	CLERK: 2002 Annual Report.			
	(4-0) Legislator Cusack absent.			

	Item	Page	-2003	(Comm. 10D-1)
b.	COUNTY ATTORNEY: Transmittal of Claims.			
	(4-0) Legislator Cusack absent.			

- | | | | | |
|----|------|------|-------|----------------|
| 2. | Item | Page | -2003 | (Comm. 10E-38) |
|----|------|------|-------|----------------|

WHEREAS, General Municipal Law Section 104-b, subdivision 4 requires the governing board of the County to annually review County policies and procedures with respect to procurement of goods and services where such goods and services are not required by law to be procured pursuant to competitive bidding, and

WHEREAS, the County in its effort to implement recommendations of the "Operational Study of Certain Government Functions," prepared by Lumsden & McCormick, dated February 6, 2003, has changed certain discretionary spending limits, within the rules set forth by the Purchasing Department and applicable laws, for departments in order to implement its Purchase Card procedure, and

WHEREAS, it has been determined that the implementation of these procedures are within the scope of and furtherance of specific purchase and procurement laws and rules set forth by New York State statute, the Erie County Charter, and the Erie County Administrative Code, and

WHEREAS, the Erie County procurement policies have been previously reviewed and found to be in compliance with the requirements of General Municipal Law Section 104-b (Comm. 2E-26) and were adopted by this Legislature on February 18, 1999.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the Erie County Purchase Policies and Procedures under General Municipal Law 104-b as the policy of the County of Erie pursuant to General Municipal Law Section 104-b, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Information and Support Services, the County Comptroller, the County Attorney, and the Director of Purchase.

(4-0) Legislator Cusack absent.

3. Item Page -2003 (Comm. 10E-40)

COUNTY EXECUTIVE

WHEREAS, the First Deputy County Clerk under the direction of the County Clerk assists in directing the work of the County Clerk's Office, including the Registrar and the Auto Bureau Divisions, and

WHEREAS, a variable minimum of Grade 17, Step 3 is requested since it more appropriately reflects the duties associated with the position of First Deputy County Clerk, and

WHEREAS, there will be no additional costs to the County of Erie, since the variable minimum is within and actually below the County Clerk's 2003 budget appropriation for the First Deputy County Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that a variable minimum of Grade 17, Step 3, is hereby approved for the filling of the position of First Deputy County Clerk, effective May 19, 2003, and be it further

RESOLVED, that source of funds for this variable minimum shall be the budget allocation for the Personnel line of the Registrars Section of the County Clerk's Office, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, the Director of Budget, Management and Finance, and the Commissioner of Personnel.

(4-0) Legislator Cusack absent.

AS AMENDED

4. Item Page -2003 (Intro. 10-1)

FALKNER, CHASE, SWANICK, CUSACK, WEINSTEIN, KUWIK, McCARVILLE, SCHROEDER & DeBENEDETTI

WHEREAS, last year 31% of all new vehicles on the road were financed through leasing, which is a major contributing factor in strong new vehicle production levels over the last ten years, and

WHEREAS, New York, Rhode Island and Connecticut are the only states that still have antiquated laws which allow a leasing company to be held accountable for unlimited damages if a leased car is involved in an accident, and

WHEREAS, Chapter 34 of the Vehicle and Traffic Law defines the legal principle of "vicarious liability," which dates back to a time when common folk were still using horses and carriages and automobiles were exclusively owned by the wealthy or livery companies, and

WHEREAS, the vicarious liability law was passed to make the wealthy owners of motor vehicles, "...exercise some degree of care in respect to the person(s) employed by them to operate such motor vehicles," because the fault of the employee was the responsibility of the vehicle owner, and

WHEREAS, in accordance with the outdated vicarious liability law auto manufacturers and finance companies that offer leases are considered the owners of the vehicles they lease, and

WHEREAS, many of the major auto manufacturers and finance companies will discontinue their auto leasing business in New York State if the vicarious liability law is not removed from the books, and

WHEREAS, to not amend the vicarious liability law will leave New York consumers with fewer options and higher costs in obtaining a motor vehicle, and

WHEREAS, there is a need to create a more equitable system that will properly hold drivers accountable, compensate victims and not penalize the leasing companies

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body is committed to common sense initiatives, which benefit consumers and the New York State economy, and

RESOLVED, that this Honorable Body urges New York State to adopt and Governor George Pataki to sign into law S397/A1042, which will amend the Vehicle and Traffic Law to properly hold drivers accountable, compensate victims and not penalize leasing companies, and

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver, and the Western New York delegation of the New York State Legislature.

Fiscal Impact: NONE
(4-0) Legislator Cusack absent.

STEVEN P. McCARVILLE
CHAIRMAN